

has already been paid to the Plaintiff's hearing representative. Id. Plaintiff's counsel now seeks the remaining balance of available funds for fees pursuant to 42 U.S.C. § 406(b)(1).

The undersigned notes that Plaintiff's "Motion For Attorney's Fees Pursuant To The Equal Justice Act, 28 U.S.C.A. § 2412" (Document No. 30) sought, and was allowed, attorney's fees in the amount of \$4,541.00. (Document No. 33). Plaintiff's counsel now asserts that the EAJA attorney fees will be reimbursed to Plaintiff upon award and receipt of the § 406(b) fees. (Document No. 34-1, pp. 2-3).

Relevant caselaw provides that a court should review contingent-fee agreements, such as the one here, for reasonableness. Griffin v. Astrue, 1:10-CV-115-MR, 2012 WL 3155578 at *2 (W.D.N.C. August 2, 2012) (citing Gisbrecht v. Barnhart, 535 U.S. 789 (2002) and Mudd v. Barnhart, 418 F.3d 424 (4th Cir. 2005)).

Plaintiff's counsel now seeks an award of \$5,615.00 in attorney's fees. (Document No. 34-1). In response, Defendant states it "neither supports nor opposes counsel's request for attorney's fees under 42 U.S.C. § 406(b), in the amount of \$5,615.00." (Document No. 36, p. 1). Defendant's response gives no indication of whether it views the fees as reasonable, and as such, is not particularly helpful.

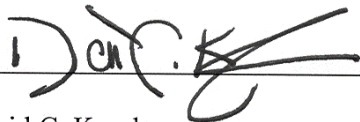
Under the circumstances of this case, the undersigned is satisfied that Plaintiff's request for fees is reasonable and consistent with applicable authority.

IT IS, THEREFORE, ORDERED that Plaintiff's "Notice Of Motion For Attorney's Fees Pursuant To Social Security Act § 206(b)(1)" (Document No. 34) is **GRANTED**. The Court finds that Plaintiff's counsel should be awarded attorney's fees in the amount of **\$5,615.00**.

IT IS FURTHER ORDERED that upon receipt of the requested fee, Plaintiff's counsel shall promptly refund Plaintiff Tres Conley Waldroop the EAJA fee amount of **\$4,541.00**.

SO ORDERED.

Signed: October 14, 2022



David C. Keesler
United States Magistrate Judge

